

## Article - Estates and Trusts

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§15–601.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Account” means an arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives, or stores a digital asset of a user or provides goods or services to the user.
- (c) “Agent” has the meaning stated in § 17–101 of this article.
- (d) “Carries” means engages in the transmission of electronic communications.
- (e) “Catalogue of electronic communications” means information that identifies:
  - (1) Each person with whom a user has had an electronic communication;
  - (2) The time and date of the communication; and
  - (3) The electronic address of the person.
- (f) “Content of an electronic communication” means information concerning the substance or meaning of a communication that:
  - (1) Has been sent or received by a user;
  - (2)
    - (i) Is in electronic storage by a custodian providing an electronic communication service to the public; or
    - (ii) Is carried or maintained by a custodian providing a remote computing service to the public; and
  - (3) Is not readily accessible to the public.
- (g) “Custodian” means a person who carries, maintains, processes, receives, or stores a digital asset of an account holder.

(h) “Designated recipient” means a person chosen by a user using an online tool to administer the digital assets of the user.

(i) (1) “Digital asset” means an electronic record in which an individual has a right or interest.

(2) “Digital asset” does not include an underlying asset or liability unless the asset or liability is itself an electronic record.

(j) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(k) “Electronic communication” has the meaning stated in 18 U.S.C. § 2510(12).

(l) “Electronic communication service” means a custodian that provides to a user the ability to send or receive an electronic communication.

(m) “Fiduciary” means an original, additional, or successor personal representative, guardian, agent, or trustee.

(n) (1) “Guardian” means a guardian of the property appointed by a court under Title 13, Subtitle 2 of this article to manage the property of a disabled person or minor or a guardian of the person appointed by a court under Title 13, Subtitle 7 of this article, according to the context in which it is used.

(2) “Guardian” includes a limited guardian.

(o) “Information” means data, text, images, videos, sounds, codes, computer programs, software, or databases.

(p) “Online tool” means an electronic service provided by a custodian that allows a user, in an agreement distinct from the terms-of-service agreement between the custodian and the user, to provide directions for disclosure or nondisclosure of digital assets to a third party.

(q) “Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, instrumentality, or other legal entity.

(r) “Personal representative” means an executor, administrator, special administrator, or person that performs substantially the same function under a law of this State other than this subtitle.

- (s) “Power of attorney” has the meaning stated in § 17–101 of this article.
- (t) “Principal” has the meaning stated in § 17–101 of this article.
- (u) (1) “Protected person” means an individual for whom a guardian has been appointed.  
  
(2) “Protected person” includes an individual for whom an application for the appointment of a guardian is pending.
- (v) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (w) “Remote computing service” means a custodian who provides to a user computer processing services or the storage of digital assets by means of an electronic communications system, as defined in 18 U.S.C. § 2510(14).
- (x) “Terms-of-service agreement” means an agreement that controls the relationship between a user and a custodian.
- (y) (1) “Trustee” means a fiduciary with legal title to property under an agreement or a declaration that creates a beneficial interest in another.  
  
(2) “Trustee” includes an original, additional, or successor trustee or cotrustee, whether or not appointed or confirmed by a court.
- (z) “User” means a person who has an account with a custodian.
- (aa) “Will” includes a codicil, a testamentary instrument that only appoints a personal representative, or an instrument that revokes or revises a testamentary instrument if the codicil or instrument satisfies the requirements of § 4–102, § 4–103, or § 4–104 of this article.

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